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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,877	08/28/2000	Christopher K. Williams	5169.00001	7537

7590 08/11/2004  
Banner & Witcoff Ltd  
1001 G Street N W  
Washington, DC 20001

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/648,877

Applicant(s)

WILLIAMS ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-24, 58-61 and 68-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-24, 58-61 and 68-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments with respect to claims 21-24, 58-61 and 68-72 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22, 58, 59, 61 and 68-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Ambalink system and Friedes (US Patent No. 5,771,282).

As per claims 21, 22, 58 and 68, the Ambalink system discloses all the claimed features, particularly, a method of conducting a transaction between a consumer, a merchant computer, and a billing computer connected together over a computer network, wherein the consumer purchases a product or service from the merchant computer by charging the value of the product or service to a consumer billing account. In the Ambalink system, customers' accounts are charged for transactions performed by the customers, and consumers indicate authorization to conduct a transaction based on an authorization code and fulfilling the transaction if the transaction is approved by the merchant.

In the Ambalink system, it is not explicitly disclosed “aggregating a multiplicity of transactions that involve the consumer” and “charging the aggregated multiplicity of transactions to a consumer billing account upon the occurrence of a specified event”.

Friedes discloses a system and method for billing multiple services on a single account. See the abstract. The system and method aggregates all telephone calls and or related services rendered by the system and bills the related customer account at the end of a billing cycle. Applicant is directed to column 4, line 13 to column 5, line 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Friedes into the Ambalink system in order to bill customers’ aggregated transactions so as to prevent unnecessary interactions with the customers for each service rendered and also to decrease processing fees for each call made by a consumer.

As per claim 59, claim 59 contains features recited in claim 58 and these features are recited under a similar rationale. Claim 59 further recites aggregating those of the multiplicity of transactions that do not meet the predetermined criteria and such is not explicitly described by the Ambalink or Friedes. However, it is noted that the combined teachings of Ambalink and Friedes do not explicitly stated aggregating and billing customers’ accounts for transactions that do not meet the predetermined criteria. However, aggregating types of transactions is taught by the combined teachings. The type of transactions does not change the functioning of the overall system since such depends on the need of a given system. It would have been obvious to one of ordinary skill in the art to aggregate those of the multiplicity of transactions that do not meet a

predetermined criterion in the combination of the Ambalink and Friedes in order to meet a system's requirement and meeting consumer's satisfaction.

As per claim 61, applicant is directed to the rejection of claims 58 and 59 above.

As per claims 69-72, claims 69-72 are directed to various types of scenarios of events related to the charging of a customer's account. The Examiner asserts that such would have been obvious to one of ordinary skill in the art to note especially if the event comprises a total of the aggregated multiplicity of transactions exceeding a predetermined monetary value, or if the event comprises a total number of the aggregated multiplicity of transactions exceeding a predetermined number, or the event comprises a total time period elapsed since a transaction exceeding a predetermined time period of if a new transaction exceeds a predetermined monetary value and aggregating the new transaction in (a) only when the new transaction does not exceed the predetermined monetary value.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these features in the combination of the Ambalink and Friedes in order to prevent unnecessary interactions with the customers for each service rendered and also to decrease processing fees for each call made by a consumer.

3. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Ambalink system in view of Friedes (US Patent No. 5,771,282) as applied to claim 20 in view of Joao et al (US Patent No. 6,529,725).

As per claims 23 and 24, obtaining from the consumer billing authority a pre-authorization that permits charging a predetermined amount to the consumer billing account is not explicitly taught in the combination of Ambalink and Friedes. Joao et al disclose a system and method for approving customer's transactions. Upon the detecting of the occurrence of a transaction, a central computer receives transaction data, assessing the types of transactions and transactions limits and notifies a user or owner of the transaction card before approving or denying the transactions. Applicant is directed to the abstract of Joao et al. Providing a pre-authorization permit for allowing charging a predetermined amount to a customer billing account is taught by Joao et al.

4. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Ambalink system Friedes (US Patent No. 5,771,282) and of Joao et al (US Patent No. 6,529,725).

As per claim 60, applicant is directed to the rejection of claims 58, 23 and 24 as being taught by the combination of the Ambalink system in view of Friedes and Joao et al.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 68-72 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, claims 68-72 do not recite any structure or functionality to suggest that a computer performs the recited claims. Thus, claims 68-72 are rejected as being directed to non-statutory subject matter.

### ***Conclusion***


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
July 29, 2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*AU 3628*